



# Long-Term Strategy for Streamlining Consultations

under the  
Endangered  
Species Act  
in Arizona and  
New Mexico



November 1999

**LONG-TERM STRATEGY FOR STREAMLINING CONSULTATIONS  
UNDER THE ENDANGERED SPECIES ACT  
IN ARIZONA AND NEW MEXICO**

**REGIONAL EXECUTIVE COMMITTEE**

**SOUTHWEST STRATEGY**

**November 1999**

**Prepared by:**

**Section 7 Streamlining Work Group**

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Appendix A:     *Streamlining Consultation Procedures Under Section 7 of the Endangered Species Act, May 31, 1995, and February 1997 Procedure Guidance*  
(including enclosures)

Appendix B     *Process to Address Near-Term Section 7 Consultation Workloads, September 18, 1998, and August 4, 1998* (including attachments)

Appendix C     excerpts from *Decision Notice for Interim Management of Anadromous Fish-producing Watersheds on Federal Lands in Eastern Oregon and Washington, Idaho, and Portions of California*)

## ***EXECUTIVE SUMMARY***

### **LONG-TERM STRATEGY FOR STREAMLINING CONSULTATIONS UNDER THE ENDANGERED SPECIES ACT IN ARIZONA AND NEW MEXICO**

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*Agencies participating in the Southwest Strategy have acknowledged the need to work collaboratively to improve conservation and recovery of imperiled species while meeting the missions of each participating agency. Collaboration among agencies will produce value-added benefits that go beyond the section 7 process under the Endangered Species Act.*

Streamlined section 7 consultations under the Endangered Species Act should result in more scientifically and legally sound documents and shorter average consultation time frames. Federal agencies share a goal of serving the public through efficient government processes while avoiding or minimizing adverse effects on threatened and endangered species and aiding their recovery. The tools, components, and processes described in the attached long-term strategy are important to streamlining consultations. However, they will only be of value if agencies work together toward a common goal of conservation.

**CRITICAL COMPONENTS:** This document contains components that need to become part of the culture at all levels of Federal agencies to improve the effectiveness and efficiency of section 7 consultations. These critical components are:

- Coordination between the Fish and Wildlife Service (FWS) and an action agency
- Using teams to implement section 7 streamlining
- Applying guidance criteria

**COORDINATION:** Effective coordination can benefit all consultations and is especially important when the action is complex or covers a large area. Coordination between agencies early and often in the consultation process greatly improves their ability to work together and can help determine the following:

- Potential effects on species, habitats, and ecosystems
- How to adjust proposed actions to eliminate or reduce adverse effects to species and their habitats
- Habitat enhancements that may be incorporated into proposed actions

Early coordination will speed up the consultation process by shortening the review and discussion time frames associated with finalizing biological assessments and evaluations (BA&E's) and biological opinions. It will also increase the use of informal consultations when adverse effects are eliminated through more effective coordination.

#### **Methods to Facilitate Coordination**

**1. Action-Level Teams:** These teams work with the action agency to meet their consultation commitments under the Endangered Species Act. They will be formed to address specific consultations for complex actions. Because current funding and staffing levels only allow limited use of action-level teams, early coordination between the action agency and the FWS will be relied upon initially to improve

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consultation efficiencies. The limited number of agency experts should be invested primarily in developing guidance criteria and addressing major consultation issues.

**2. Liaisons:** Each action agency is encouraged to name staff who would serve as a focal point within the unit or agency for questions and concerns related to section 7 consultations.

**3. Issue Resolution Teams:** Coordination at the action level should resolve most issues before an issue resolution team ever needs to be requested. When coordination expectations are not met, the First-Level Issue Resolution Team will be set up at the first administrative level above the level of the action impasse. This concept of teams to solve an impasse follows the organizational structure of each agency's field unit, regional unit, and Washington Office level.

**STRATEGIC APPROACHES:** This section describes two overarching critical components of the long-term strategy that will contribute to streamlining consultations. The Threatened and Endangered Species (T&E) Program Manager Team and use of guidance criteria are two long-term agency commitments that will provide significant and cumulative benefits to future consultations.

**1. T&E Program Manager Team:** This interagency team consists of members who oversee their respective agency's endangered species program. The team's role includes the following:

- Monitoring implementation of streamlining and needed improvements
- Assessing and monitoring T&E programs and work loads
- Determining T&E program issues such as the need for criteria, consistency, training, and developing strategic recommendations for program concerns and opportunities
- Facilitating interagency coordination

**2. Guidance Criteria:** Guidance criteria that are developed with the FWS and applied across agency jurisdictions will benefit consultations by facilitating agreement and consistency in analyzing and describing the effects of projects. Agencies using the criteria will be better able to design projects that avoid or minimize adverse effects. This approach will result in fewer formal consultations, quicker completion of informal and formal consultations, and improve conservation of species. Interagency teams can be established to develop guidance criteria to address major issues that contribute the most to section 7 work loads. The initial guidance criteria can serve as templates in developing criteria for other species, actions, or ecosystems. Guidance criteria would be recommended to the agencies for adoption and implementation as appropriate.

**STREAMLINING TOOLS:** The streamlining tools section discusses batching similar projects, programmatic consultations, methods to transfer information, and consultation agreements to streamline consultations. It is recommended that agencies use as many of these tools as possible.

**IMPLEMENTATION PLAN:** This section describes five action items and target dates for implementing the streamlining strategy. Table 1 lists action items chronologically by the number of days from distribution of the approved long-term strategy.

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<b>TABLE 1. IMPLEMENTATION PLAN CHRONOLOGY</b>		
<b>Action Item (#)</b>	<b>Responsible Party</b>	<b>Days</b>
Select T&E Program Managers (2.)	Regional Executives	30
T&E Program Manager Meeting (3.)	Section 7 Streamlining Work Group	45
Issue Resolution Teams (4.)	Regional Executives	45
Streamlining Workshops (1.)	Section 7 Streamlining Work Group	90
Guidance Criteria (5.)	T&E Program Managers	90

**MONITORING PLAN:** This section describes three monitoring items to evaluate the success of the streamlining process and identify needed improvements. These include 1. Implementation Plan Action Items (Table 1), 2. Effectiveness and Efficiency, and 3. Improving the Critical Components.

<b>TABLE 2. MONITORING PLAN SUMMARY</b>			
<b>Monitoring Item</b>	<b>Measure</b>	<b>Time Frame</b>	<b>Responsible Party</b>
1. Implementation Plan Action Items	Difference between planned and actual time frames for items 1-5	Once for each item	Sec. 7 Streamlining Work Group
2. Effectiveness and Efficiency	A. Ratio of informal to total consultations	Annually	FWS
	B. Quality of BA&E's	Ongoing	T&E Program Mgr.
	C. Time frames for formal consultations	Annually	FWS
3. Improving the Critical Components	A. Qualitative assessment	Annually	T&E Program Mgr.
	B. Development of guidance criteria	Annually	T&E Program Mgr.

# **LONG-TERM STRATEGY FOR STREAMLINING CONSULTATIONS UNDER THE ENDANGERED SPECIES ACT IN ARIZONA AND NEW MEXICO**

*Streamlining tr.v. 2. To improve the.....efficiency of  
(The American Heritage Dictionary 1976)*

## ***Why streamline?***

*Agencies participating in the Southwest Strategy have acknowledged the need to work collaboratively to improve conservation and recovery of imperiled species while meeting the missions of each participating agency. These missions include providing goods and services from the lands and resources managed or serviced by participating agencies. Collaboration among agencies will produce value-added benefits that go beyond the section 7 process. Some of the expected value-added benefits are as follows:*

- *Greater ability to direct limited funds and staffing to areas of common benefit*
- *Expanded pool of skills beyond any one agency's capability*
- *Improved working relationships, understanding, and trust among agencies and the public*
- *More rapid and efficient recovery of species and ecosystems*
- *Increased consistency in compliance and recovery actions*
- *Reduced vulnerability to legal challenges*
- *Improved recognition of emerging issues at all agency levels*

## **I. INTRODUCTION**

Consultation under section 7 of the Endangered Species Act (Act or ESA) has been most successful when agencies accurately and effectively communicate. The Regional Executive Committee (REC) of the Southwest Strategy believes that cooperation must be an integral part of the way Federal agencies consult. The REC established the Section 7 Streamlining Work Group to develop a long-term strategy for streamlining consultations in Arizona and New Mexico (the Southwest). Streamlining section 7 consultation will result in more scientifically and legally sound consultation documents and shorter average consultation time frames. The tools, components, and processes described in this document are important to streamlining consultation, but will be of value only if agencies work together toward a common goal of conservation. This common goal can be achieved by developing actions that serve the public through more efficient government processes, while avoiding or minimizing adverse effects on threatened and endangered species (T&E) and aiding their recovery.

The term “agency(ies)” in this document is intended to apply to all Federal agencies that operate in the Southwest. All Department of Interior and Department of Commerce agencies also have special responsibilities toward Native American Tribes and Tribal members pursuant to the Federal-Tribal trust relationship as codified in Secretarial Order 3206, entitled “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act.” Thus, those agencies and bureaus will include Tribes as participants in the consultation process in a manner fully consistent with that Secretarial Order.

The recommendations included in this document in no way alter, expand, or substitute for applicable legal, regulatory, or agency policy requirements. The collaborative principles and associated benefits described herein are cumulative and will reach their greatest potential when participating agencies implement these recommendations to the fullest extent possible within their existing capabilities.

## **II. BACKGROUND**

Beginning in November 1997, the Secretaries of Interior and Agriculture as well as the Under Secretary of Defense for the Environment began the Southwest Strategy to promote greater collaboration and cooperation in Arizona and New Mexico. Section 7 consultation was recognized as needing attention because of litigation, increasing work loads, and funding limits. These conditions require agencies to gain effectiveness through improved cooperation. This ensures that the consultation process is scientifically based, legally sound, and efficiently accomplished. The Streamlining Work Group reviewed the section 7 streamlining process developed in the Pacific Northwest (Appendix A, including enclosures, *Streamlining Consultation Procedures Under Section 7 of the Endangered Species Act, May 31, 1995, and February 1997 Procedure Guidance*) as a guide in developing the Southwest's section 7 streamlining process.

In the Summer of 1998, the REC of the Southwest Strategy approved 24 recommendations for near-term efficiencies to help address the section 7 consultation work load (Appendix B, including attachments, *Process to Address Near-Term Section 7 Consultation Workloads*, September 18, 1998, and August 4, 1998). The near-term efficiencies were designed to examine priorities and manage the immediate work load while the long-term strategy to streamline section 7 consultations was being developed. Many concepts from the near-term recommendations have been incorporated into this document.

## **III. GOALS**

One purpose of the Endangered Species Act is to require Federal agencies to be proactive in recovering listed species and their habitats. The Act states, it is "...the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act [ESA, amended 1988, Section (2), part (c)]." This mandate requires a commitment by all agencies to ensure that their actions not just reduce effects, but conserve the ecosystems upon which these species depend. Without this firm commitment, Federal employees cannot meet the goal of streamlining section 7 consultations.

The goal of this strategy is to improve the effectiveness and efficiency of consultations under section 7 of the Endangered Species Act in Arizona and New Mexico. The REC believes that all consultations must not only be achieved within required time frames (as specified in 50 CFR 402.14), but that improved effectiveness and efficiencies must become a reality to serve agency and constituent needs. Improving "effectiveness" means that consultations will be scientifically sound and less vulnerable to legal challenge. Improving "efficiency" means that the time, energy, and money to complete consultation will be reduced to the least amount needed, while ensuring species' protection.



## IV. CRITICAL COMPONENTS

Three critical components form the foundation for developing a streamlined section 7 consultation process for the Southwest, and these must become functioning parts of the culture at all levels of the Federal agencies:

- Coordination between the Fish and Wildlife Service (FWS) and an action agency
- Using teams to implement section 7 streamlining
- Applying guidance criteria

Implementing these critical components will require developing streamlining tools, an implementation plan, and a monitoring plan that identifies needed improvements in the proposed process.

### A. Coordination

This section describes how coordination between agencies can be an integral part of a consultation. Effective coordination can benefit all consultations, and is especially important when the action is complex or covers a large area.

#### 1. Benefits of Coordination

Coordination between agencies early and often in the consultation process greatly improves their ability to work together and recognize needed adjustments to proposed actions. For this document, the word “action” refers to agency activities or proposals at the project, programmatic, and land-use plan levels.

Frequent coordination can help determine the following:

- Potential effects on species, habitats, and ecosystems
- How to adjust proposed actions to eliminate or reduce adverse effects to species and their habitats
- Habitat enhancements that may be incorporated into proposed actions

Early coordination will speed up the consultation process by shortening the review and discussion time frames associated with finalizing biological assessments and evaluations (BA&E's) and biological opinions. It will also increase the use of informal consultations when adverse effects are eliminated through more effective coordination. For detailed information, the following handbook describes conducting section 7 consultations: *Endangered Species Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act*. (U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. U.S. Government Printing Office, Washington, D.C.).

In section 7 consultations, agencies must consult on listed species and designated critical habitat and confer on proposed species and critical habitat. Recent interagency memoranda of understanding and guidance documents have also recognized the benefits of using the agencies' authorities to help prevent species endangerment by conserving species that are tending toward Federal listing (Appendix A Enclosure 1, and Appendix B, Attachment D). Therefore, this streamlining document similarly recommends including habitat needs for candidate species as a part of project planning and the analysis of

effects. Although not required under section 7, habitat needs and effects of proposed actions on species of concern, sensitive species, or other special status species may also be discussed as part of streamlining. For this document, all of the species classifications described in the current paragraph will be referred to in the future as “species and their habitats.”

## **2. Applying Coordination to Consultation**

While the three phases listed below are what many agencies consider normal consultation procedures, Phase 1 is not being consistently applied. Expansion of the use of Phase 1 would greatly facilitate streamlined section 7 consultations.

**Phase 1:** Action agency/FWS discussions on planning and scoping of actions, alternative development, and review of draft BA&E's and preliminary determinations of effect.

**Phase 2:** The action agency finalizes BA&E's that incorporate FWS comments on drafts.

**Phase 3:** Submission of BA&E's and preparation of biological opinions or letters about concurrence by FWS.

### **a. Phase 1:**

An essential aspect of Phase 1 is information transfer and increasing common understanding (Part V. C.). Phase 1 discussions can begin as soon as the action agency has identified a goal for an action and before alternatives have been developed. During Phase 1, the involved agencies coordinate with each other through discussions and joint review of action agency draft BA&E's. The action agency and FWS should discuss the pertinent biology, ecology, distribution, abundance, and management recommendations for species and their habitats. In addition, these agencies should agree on a species list.

During Phase 1 discussions, action agencies should conduct audiovisual presentations or site visits to increase FWS familiarity with the details of the action. Based on these discussions, the action agency can also become aware of FWS concerns and recommendations. Agencies should also coordinate on schedules and priorities that will require a commitment of resources from other cooperating agencies. As a result of Phase 1 discussions, action agencies should have a clear proposed action on which to consult.

## **Methods to Facilitate Coordination**

The section below describes three recommended methods to facilitate coordination during Phase 1 of consultation. Use of expert agency staff or teams is expected to obtain the best collective answers during Phase 1 of consultation. However, if the agencies cannot agree on the adequacy of a BA&E, on the determination of effects, or on information needed to complete a BA&E, then liaisons or other experts should be contacted. If the agencies still cannot agree, then an issue resolution team should be contacted to resolve the impasse before relationships are polarized or damaged.

### **(1) Action-Level Teams**

An action-level team consists of the action agency and FWS experts who meet as needed to identify, discuss and resolve issues, and consider recovery options. An action-level team works to meet their agencies' ESA commitments. The team should work to develop alternatives and measures that meet action agency objectives, while avoiding or minimizing adverse effects on threatened and endangered

species. These teams will be formed to address specific consultations for complex actions rather than being permanent. At current funding and staffing levels, the Section 7 Streamlining Work Group envisions only a limited number of action-level teams being designated. Should funding and staffing levels increase, permanent action-level teams could be formed to address a broader range of programs and actions. In this case, the FWS team member(s) may be assigned to a specific topic, such as an ecosystem, species or type of action. Teams would meet on a regular basis to work on projects and discuss potential projects that affect their topic or are in their geographic area. This would allow potential complications to be identified as soon as possible. Stable team membership will develop rapport and synergy.

Because current funding and staffing levels only allow limited use of action-level teams, early coordination between the action agency and the FWS will be relied upon initially to improve consultation efficiencies. The limited number of agency experts should be invested primarily in developing guidance criteria and addressing major consultation issues.

## **(2) Liaisons**

Each action agency is encouraged to name staff who would serve as section 7 consultation liaison(s). The liaison would typically be a journey-level or supervisory biologist experienced in ESA regulations, guidance, and interagency consultation and cooperation. This person would serve as a focal point within the unit or agency for questions and concerns about consultation, such as questions about the section 7 consultation process and preparing adequate BA&E's. In addition, action agencies may want their liaisons to review BA&E's for adequacy before submitting them to FWS. For some agencies, the T&E program manager may serve as the liaison.

## **(3) Issue Resolution Teams**

Issue resolution teams are key parts of the Northwest model. This concept has also been supported in the Southwest by the Regional Director (FWS, Region 2) and the Regional Forester (Forest Service, Region 3). These teams should be set up by Federal agencies in the Southwest Strategy. Coordination, cooperation, and use of the liaison or other experts should resolve most issues before an issue resolution team needs to be requested. When coordination expectations are not met and an impasse is reached, the first level issue resolution team should be set up at the first administrative level above the level of impasse. If a second level issue resolution team is needed, a regional or state level team should be requested. Issue resolution team members should be selected at each field unit, regional unit, and agency Washington Office level. The team for a given case would typically consist of people from the agencies involved. Changes to team makeup should be communicated to T&E program managers so they can maintain team rosters and contact information.

### **b. Phase 2:**

During Phase 2, a BA&E is finalized that is agreed upon by both the action agency and the FWS. Further guidance on preparing BA&E's can be found in Appendix B, Attachment B. Without a BA&E determined to be adequate by FWS, it is difficult to have a streamlined process and stay within agreed-upon time frames.

**c. Phase 3:**

Phase 3 begins on the day that FWS receives an adequate BA&E with a written request for consultation or conference. The action agency can assist the FWS by providing an electronic version of the BA&E. FWS then prepares a biological opinion or letter about concurrence. During Phase 3, coordination should continue between FWS and the other agencies involved in the consultation.

**B. Strategic Approaches**

This section describes two overarching critical components of the long-term strategy that will contribute to streamlining consultations. The T&E Program Manager Team and use of guidance criteria are two long-term agency commitments that will provide significant and cumulative benefits to future consultations.

**1. T&E Program Manager Team**

This interagency team consists of members who oversee their respective agency's endangered species program. Team members will be designated by their agencies. The team's role includes the following:

- Serving as an agency focal point for information relevant to implementing the Act
- Facilitating interagency coordination
- Recommending staff to serve as consultation liaisons
- Maintaining the list of issue resolution team members at all levels and providing current listings to each agency
- Determining program issues such as the need for criteria, consistency, training, and strategic program recommendations and opportunities
- Monitoring implementation of streamlining and needed improvements
- Monitoring work load and recommending actions to address concerns

**2. Guidance Criteria**

Contributing to the success of the section 7 streamlining process for the Pacific Northwest were standards and guidelines that were applied across jurisdictions (as an example, Appendix C, excerpts from *Decision Notice for Interim Management of Anadromous Fish-producing Watersheds on Federal Lands in Eastern Oregon and Washington, Idaho, and Portions of California*). These overarching standards focused the effects analysis, minimized uncertainty in determining effects, and facilitated consultations by avoiding adverse effects in proposed actions. As a result, the need for formal consultation was reduced. Projects that conformed to programmatic protection and recovery elements described in standards and guidelines developed through consultation with FWS typically received concurrence on a "not likely to adversely affect" determination. Using these standards and guidelines may help in streamlining formal consultations as well. They must be incorporated during project planning if the full efficiency of streamlining the consultation process is to be realized.

Guidance criteria should be used in the streamlining process to give guidance like that provided by standards and guidelines in the Pacific Northwest. Guidance criteria will describe the typical effects of actions on species and their habitats and will help determine effects. Action agencies and FWS need to be jointly involved in the development of and mutually accept the guidance criteria in order to effectively streamline consultations. These criteria will benefit consultation by facilitating agreement and increasing

consistency in analyzing and determining effects. These criteria will also aid in designing projects that eliminate or reduce adverse effects to the species and its habitat. The criteria should also be designed to describe actions that promote the recovery of the species. This approach will result in fewer formal consultations, quicker completion of informal and formal consultations, and improved conservation and recovery of species.

Interagency teams will be assigned to develop guidance criteria focused around major issues that contribute the most to the section 7 work load. Existing teams already addressing major work load areas such as grazing and fire management could be used to contribute to development of criteria. These teams could cover multiple species affected by these activities. The criteria developed could serve as templates for generating other criteria in similar cases that involve the same species but differing actions, species risks, and effects. The use of guidance criteria development teams should also be considered for species and actions that are not covered in the criteria efforts driven by major issues.

Criteria teams would be charged with developing consultation criteria that address risk and effect thresholds that consider the action as well as recovery or conservation plans. Additionally, these teams could assist action-level teams to resolve issues before an issue resolution team is requested. Effective criteria development teams should consist of Federal agency experts with section 7 experience, and draw on essential partners such as Tribal, State and academic resource specialists. Expertise from existing recovery or conservation planning teams should be used in developing guidance criteria. Guidance criteria would be recommended to the agencies for their consideration and acceptance.

## **V. STREAMLINING TOOLS**

This section introduces tools that can be used to assist agencies in streamlining consultations. The Southwest Strategy Regional Executive Committee (REC) recommends that agencies use as many of these tools as possible in order to achieve the maximum benefits of streamlining. Streamlining tools include the following:

- Batching similar projects
- Programmatic consultations
- Methods to increase information transfer
- Interagency field trips
- Developing consultation agreements

These tools are briefly described below and additional information will be discussed at the streamlining workshops. As the streamlining process is implemented, all participants should be alert for opportunities to refine these tools as well as develop new tools. The T&E Program Manager Team should also work toward improving existing tools and developing new tools or other creative solutions.

### **A. Batching Section 7 Consultations**

Batching consultations aggregates individual actions into a single consultation, gaining efficiency by eliminating duplication in writing, reviewing, and coordination. T&E Program Manager Team meetings will provide a forum to explore opportunities for batching actions between agencies. Batching should be considered for the following:

- Similar actions within a single agency
- Similar actions between two or more agencies
- Miscellaneous actions in a common geographic area
- Actions that affect the same species

Action agencies are not being asked to hold on to projects and delay initiation of consultations in order to utilize batching. This is a process to more efficiently analyze and consult on multiple actions that are slated to occur either in close proximity or a similar time frame.

## **B. Programmatic Section 7 Consultations**

Programmatic consultations typically address broad programs or activities that are routinely implemented over large areas and may be for a specific period of time. This type of consultation usually addresses how actions will be put into effect over time without necessarily naming specific locations. While more time may be needed to develop programmatic consultations, they should expedite later project-level consultations.

Programmatic consultations may be developed on a broad scale with less specific information. In such a case, future section 7 consultations would be needed when site-specific actions are proposed and evaluated. Site-specific actions would tier to the programmatic consultation. To expedite site-specific consultations, programmatic consultations would include guidelines to avoid impacts to species. For example, a land management plan for a large area would require a consultation. Later, when actions are designed for specific locations within the framework of the programmatic consultation, a site-specific consultation may still be needed. These subsequent consultations should move quickly through the process if the proposed actions are developed within the context of the programmatic analysis. However, a programmatic consultation may include enough site-specific information such that future consultations would not be required. For example, all actions pertaining to a certain species in an area could be consulted on in one programmatic approach to avoid effects to that species.

Action agencies are encouraged to work with the FWS in determining when and how programmatic consultations can be effectively used in streamlining. Once a programmatic planning effort goes through consultation, guidance criteria may be drawn from the programmatic consultation to be used on other, similar projects. Additionally, the programmatic can also provide guidance in developing actions that minimize adverse effects.

## **C. Methods of Information Transfer**

Information transfer is a critical part of the coordination process under streamlining. Increased sharing of information about listed species, critical habitat, proposed listings, and project-specific methods increases understanding by all parties involved in section 7 consultations. Increased information sharing can also result in more effective mitigation of potential effects. Each agency may determine the methods they want to use for information transfer appropriate to their projects. Information sharing may include field visits or briefings complete with videotapes or slides of the proposed project area. Additional information sharing would include electronic copies of reference materials and good examples of BA&E's and biological opinions. Other visual aids, including maps, photographs, and design specifications, also increase understanding of the potential effects of proposed projects on species and critical habitat.

#### **D. Interagency Field Trips**

Interagency field trips provide a forum to exchange information, increase common understanding of issues, and improve consultation efficiency. They can facilitate consistency and highlight opportunities for program coordination across administrative boundaries. Field trips will be organized as needed to address local habitat or species issues. For example, field trips may be organized around effects analysis for the cactus ferruginous pygmy-owl, or nesting habitats of the southwestern willow flycatcher.

#### **E. Consultation Agreements**

The purpose of a consultation agreement is to clarify expectations and commitments between the action agency and the FWS in the early stages of a consultation. A consultation agreement can be as simple as a memorandum documenting the results of a discussion. A consultation agreement can also define the scope of analysis, information needed, and scale of the area to be evaluated in the biological assessment. A consultation agreement can also list the data (such as agreed-upon survey protocols) to be used in the analysis. Once all parties agree to the terms of the consultation agreement, the projected consultation time frames are more likely to be achieved. Consultation agreements are not needed or suitable in every instance, but they prove their value on complex or potentially controversial projects.

### **VI. IMPLEMENTATION PLAN**

This section describes five action items and target dates recommended by the REC for implementing the streamlining process. The REC believes that implementation of Action Items 1-5 is essential for agencies that wish to streamline consultations. Each agency is encouraged to implement all of these recommendations to achieve maximum benefits of streamlining. Action items are organized by critical components: Coordination, guidance criteria development, and use of teams.

#### **A. Early Coordination**

***Action Item 1. STREAMLINING WORKSHOPS:*** *The Section 7 Streamlining Work Group, through the Southwest Strategy Coordination Office, will organize interagency workshops on early coordination and streamlining section 7 throughout Arizona and New Mexico. The workshop schedule will be prepared within 90 days of distribution of this long-term strategy.*

Workshops will clarify expectations for streamlining; define the meaning and intent of each section of the streamlining process; and discuss how to proceed with streamlining. Preparing adequate BA&E's, how action agencies can present actions for successful information transfer, and the meaning of early coordination will also be discussed. Workshops will clarify that coordination is an evolving process in that all answers can not be obtained early on or with a single coordination contact. Workshops can be repeated in the future to meet the needs of new employees.

#### **B. Teams**

***Action Item 2. SELECT T&E PROGRAM MANAGERS:*** *Each agency should select T&E program manager(s) and send the name(s) and contact information to the Southwest Strategy Coordination Office within 30 days of distribution of this long-term strategy.*

Each agency will define its T&E program managers' role. These individuals will be critical to all aspects of meeting Endangered Species Act obligations in the Southwest.

**Action Item 3. T&E PROGRAM MANAGER MEETING:** *The Section 7 Streamlining Work Group will organize a meeting through the Southwest Strategy Coordination Office with participating T&E program managers within 45 days of distribution of this long-term strategy.*

At this meeting, T&E program managers will define their collective role in advancing effective, streamlined section 7 consultations. Program managers should also discuss how agencies can use each of the streamlining tools and how programs or actions may benefit from applying these tools. These managers should meet with the Section 7 Streamlining Work Group to discuss the background, development, and implementation of the streamlining process. Success of section 7 streamlining depends on T&E program managers understanding and implementing their roles as defined in this document. This team will provide leadership, develop strategies in resolving issues, and contribute to averting future problems.

**Action Item 4. ISSUE RESOLUTION TEAMS:** *The REC will ask each agency to select issue resolution team members at each administrative level within 45 days of the distribution of this long-term strategy. Team member names will be sent to the Southwest Strategy Coordination Office for collation and distribution.*

We strongly encourage these members to establish working relationships with each other before they are asked to solve a consultation impasse presented to them. An initial meeting with the Section 7 Streamlining Work Group, T&E program managers, and regional or state-level issue resolution team members could clarify roles and expectations in the streamlining process.

### **C. Developing Guidance Criteria**

**Action Item 5. GUIDANCE CRITERIA:** *Participating T&E program managers will assess actions and species that need guidance criteria and will devise the means to address the identified needs. This action item will be achieved within 90 days of the distribution of this long-term strategy.*

T&E program managers should use the expertise of field personnel throughout the development of guidance criteria. Program managers should also consider major work load issues that could benefit from criteria development and alternative ways of developing criteria, such as using recovery and conservation team expertise.

Once the participating T&E program managers have identified actions and species needing guidance criteria, they should produce a schedule for developing the criteria that would be most helpful in facilitating consultations. With agency support, the T&E program managers should organize a meeting of guidance criteria team members. The purpose of this meeting will be to initiate the teams by giving them a common understanding of roles, expectations, product applications, and consistency. When criteria are developed, the appropriate program managers should disseminate the criteria and provide a forum or process that facilitates understanding and application of the criteria.

Table 1. lists action items chronologically by the number of days from distribution of the approved long-term strategy.



<b>TABLE 1. IMPLEMENTATION PLAN CHRONOLOGY</b>		
<b>Action Item (#)</b>	<b>Responsible Party</b>	<b>Days</b>
Select T&E Program Managers (2.)	Regional Executives	30
T&E Program Managers' Meeting (3.)	Section 7 Streamlining Work Group	45
Issue Resolution Teams (4.)	Regional Executives	45
Streamlining Workshops (1.)	Section 7 Streamlining Work Group	90
Guidance Criteria (5.)	T&E Program Managers	90

## **VII. MONITORING PLAN**

The purpose of monitoring is to evaluate the success of the streamlining process and identify needed improvements. While streamlining is fully consistent with the ESA objective to aid the recovery of T&E species, this anticipated result is very difficult to monitor within a short time span. Therefore, this monitoring plan uses indicators of successful streamlining that can be easily measured or qualitatively evaluated on an annual basis. This section describes three monitoring items with associated time frames. These items are: 1. Implementation Plan Action Items, 2. Effectiveness and Efficiency, and 3. Improving the Critical Components. The time frame for monitoring starts upon distribution of this approved long-term strategy. Monitoring results will be reported to the Southwest Strategy Coordination Office for distribution to the REC.

**Monitoring Item 1. IMPLEMENTATION PLAN ACTION ITEM:** *The objective is to monitor implementation plan action item accomplishments (Table 1.), to determine if they have been accomplished in a timely manner. The Section 7 Streamlining Work Group will provide a one-time report of each action item accomplishment.*

The implementation plan contains five action items with associated time frames that are essential to moving a streamlined consultation process forward. The difference between planned and actual action item time frames will provide a measure of the level of accomplishment .

**Monitoring Item 2. EFFECTIVENESS AND EFFICIENCY:** *The first goal of the streamlining process is to improve the effectiveness of consultations by ensuring they are scientifically and legally sound. The second goal of the streamlining process is to improve the efficiency of consultation by reducing the consultation time frame to the least amount needed, while ensuring adequacy and species protection.*

**A. RATIO OF INFORMAL TO TOTAL CONSULTATIONS:** *The objective is to track the proportion of informal consultations to the total number of consultations over time. The measure will be the number of informal consultations divided by the total number of consultations completed by FWS. FWS field offices will report both the numbers and resulting ratio annually.*

By adding adequate protection measures that eliminate adverse effects to species and their habitats, the streamlining process is expected to increase the effectiveness of consultation. This would be reflected as an increase in the ratio of informal to total consultations.

The increasing proportion of informal to total consultations will also reflect efficiency through a reduction in time frame for Phase 3 of consultation, because informal consultation typically reaches conclusion much faster than formal consultation. Phase 3 begins on the day that FWS receives an adequate BA&E with a written request for consultation or conference.

***B. BA&E QUALITY:*** *A high-quality BA&E is critical to achieving effectiveness and efficiency in the consultation process by communicating all relevant information and the best available science to responsible parties. The program managers under Monitoring Item 3A will request and assess feedback from those conducting streamlining to continually improve the quality of the BA&E's as a legally sound and scientifically based communication tool.*

***C. FORMAL CONSULTATION TIME FRAME:*** *The objective is to track the number of days to complete formal consultation from the time that an acceptable BA&E is submitted with a request for initiation of consultation. The resultant number of days per consultation should provide an additional measure of whether the streamlining process is improving the efficiency of consultation. FWS will prepare these reports on an annual basis.*

FWS will track the duration of formal consultations, beginning with the day the FWS accepts a BA&E as adequate and ending with the issuance of a draft biological opinion to the action agency, or a letter or final biological opinion that concludes consultation. Additional information about formal consultations will also be included in the annual report; such as, ratio of formal to total consultations, information concerning the size or complexity of proposals, the action agency requesting consultation, and duration of reviews of draft biological opinions.

The measure of days per action will provide insight into the efficiency of formal consultation. This tracking will identify consultations that may be disproportionately influencing overall effectiveness. This will also provide information to assess how well we are accomplishing formal consultation within mandated time frames.

***Monitoring Item 3. IMPROVING THE CRITICAL COMPONENTS:*** *The three critical components of the streamlining process (early coordination, teams, and guidance criteria) should be monitored to incorporate improvements in the process over time.*

Items 3A and B fall within the T&E program manager's responsibilities, which include assessing and monitoring programs, recommending actions to address concerns, monitoring implementation of streamlining and needed improvement, and identification of strategic program recommendations. The T&E program managers and the regional executives should use the feedback from those conducting streamlining to continually improve the streamlining process.

***A. T&E PROGRAM MANAGER TEAM FEEDBACK:*** *The T&E Program Manager Team will provide feedback on BA&E quality, application of guidance criteria, issues associated with informal consultation, status and results of litigation on ESA issues, and effectiveness of the*

*streamlining process on an annual basis. This improvement process will be accomplished with the assistance of comments and suggestions from those conducting streamlined consultations.*

Sharing information on the effectiveness and efficiency of consultations and issues and results of ESA related litigation (non-litigation sensitive material) can provide an excellent learning opportunity. This forum will increase consistency between agencies, improve the quality of BA&E's and biological opinions, and improve the manner in which consultations are conducted. These discussions can highlight issues, problem areas, and solutions in a better way, and with more context, than a purely quantitative approach would be able to achieve. Results of these discussions will be provided to the REC along with recommendations for improvement when appropriate.

***B. GUIDANCE CRITERIA DEVELOPMENT:*** *The number of species, subspecies, or distinct populations having guidance criteria should indicate improvements in consultation and species and habitat protection options. The T&E Program Manager Team will track these numbers and prepare an annual report.*

Tracking will document when guidance criteria have been accepted by the FWS. More than one set of criteria may be developed as issue or opportunity-driven criteria are added to cover other actions, sets of circumstances or species. The increasing number of criteria should reflect greater consistency among consultations, increased efficiency, and improved protection and management. The T&E Program Manager Team will track the application of guidance criteria and identify improvements, gaps where new criteria are needed, and aid other agencies or units who want to use or develop criteria.

A summary of monitoring plan items is depicted in Table 2.

<b>TABLE 2. MONITORING PLAN SUMMARY</b>			
<b>Monitoring Item</b>	<b>Measure</b>	<b>Time Frame</b>	<b>Responsible Party</b>
1. Implementation Plan Action Items	Difference between planned and actual time frames for Action Items 1-5	Once for each item	Sec. 7 Streamlining Work Group
2. Effectiveness and Efficiency	A. Ratio of informal to total consultations	Annually	FWS
	B. Quality of BA&E's	Ongoing	T&E Program Mgr.
	C. Time frames for formal consultations	Annually	FWS
3. Improving the Critical Components	A. Qualitative assessment	Annually	T&E Program Mgr.
	B. Development of guidance criteria	Annually	T&E Program Mgr.

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## APPENDICES

- Appendix A: *Streamlining Consultation Procedures Under Section 7 of the Endangered Species Act, May 31, 1995, and February 1997 Procedure Guidance* (including enclosures)
- Appendix B *Process to Address Near-Term Section 7 Consultation Workloads*, September 18, 1998, and August 4, 1998 (including attachments)
- Appendix C excerpts from *Decision Notice for Interim Management of Anadromous Fish-producing Watersheds on Federal Lands in Eastern Oregon and Washington, Idaho, and Portions of California*)